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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,958	12/20/2001	T. Ron Davis	RQTV-1-1006	2653

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,958	DAVIS ET AL.	
	Examiner	Art Unit	
	Michael Van Handel	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities:

Referring to claim 7, the phrase “the advanced set top box” under the heading “a system for viewing comprising” lacks antecedent basis. The examiner recommends that the phrase be changed to “an advanced set top box.” The examiner addresses the claim in the Office Action below as though the recommended changes have been made.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al.

Referring to claim 9, Shoff et al. discloses a method for providing information, comprising:

- enhancing content with identifier elements (col. 10, l. 64-66; col. 12, l. 24-50; & Fig. 8b);

Art Unit: 2623

- associating the identifier elements with any of product information (col. 11, l. 39-44), service information (col. 11, l. 4-11, 34-38), and educational information (col. 11, l. 25-33);
- presenting the enhanced content with identifier elements (Fig. 8b);
- issuing a request for any of the product information, the service information, and the educational information using the identifier elements (col. 11, l. 56-59); and
- delivering any of the product information, the service information, and the educational information (col. 11, l. 66-67; col. 12, l. 1-23; & Fig. 8c).

NOTE: The USPTO considers the applicant's "any of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claim 10, Shoff et al. discloses the method of claim 9, wherein the request is issued using any of a mobile phone, a mobile computing device, and a personal computer (col. 4, l. 31-34 & col. 8, l. 19-34).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Sgaraglino.

Referring to claims 1, Shoff et al. discloses a method for advertising services or goods by means of enhanced video programming, comprising:

- populating a query database with button faces (the examiner notes that the soft buttons must inherently be retrieved from a database for integration into the hypertext document)(col. 10, l. 64-66 & col. 12, l. 39-50);
- obtaining video programming for entertainment (col. 4, l. 18-20, 66-67);
- identifying attachment points within the video programming for enhancement (col. 10, l. 7-17; col. 12, l. 39-47; & col. 14, l. 31-41);
- associating button faces from selected queries with each attachment point (the examiner notes that the author designs the presentation format for each scene of the program)(col. 11, l. 48-65 & col. 12, l. 39-47);
- recording the video programming with associated attachment points on suitable medium (col. 4, l. 62-67; col. 5, l. 1-23; & Fig. 2);
- developing content sets associated with each button face and associated attachment point (col. 11, l. 48-65 & Figs. 8b, 8c);
- storing content sets in association with each button face and associated attachment point in an enhancement database (col. 5, l. 12-26); and
- retrieving content sets upon viewer activation of associated button face at associated attachment point (col. 11, l. 66-67; col. 12, l. 1-4; & Fig. 8c);

Shoff et al. does not disclose compiling retrieved content sets into e-magazines and e-mailing the compiled e-magazines to a viewer. Sgaraglino discloses a method for conveying an advertisement to a user in a television environment (p. 3, paragraph 38) and determining whether

the user has clicked the ad. If the user clicks the ad, the user's e-mail address is retrieved, the ad follow-up material is collected, and the follow-up material is e-mailed to the user's e-mail address (p. 2, paragraph 33; p. 3, paragraph 41; & p. 4, paragraph 50). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the supplemental content retrieval of Shoff et al. to include collecting follow-up material and e-mailing the follow-up material to the user's e-mail address, such as that taught by Sgaraglino in order to provide a more user-friendly interface for retrieving content.

Referring to claim 6, the combination of Shoff et al. and Sgaraglino teaches the method of claim 1, wherein recording comprises placing information at an addressable site on the internet and recording an address for the addressable site with the attachment point (col.6, l. 7-39 & Fig. 3).

Referring to claims 7, Shoff et al. discloses a system for advertising services or goods by enhanced video programming, comprising:

- a system for pre-production, comprising:
 - o a programming source (continuous media server 42)(col. 4, l. 62-67; col. 5, l. 1-5; & Fig. 2), comprising video programming itself comprising a series of attachment points;
 - o a trigger database (enhanced content server 52)(col. 5, l. 12-26);
 - o a computer communicatively linked to the programming source and the trigger database and a computer software product for associating triggers stored in the trigger database with the attachment points (the examiner notes that a computer with a computer software product is necessary and inherent to

Art Unit: 2623

the headend 22 to allow the authority to enter the target specifications into the electronic program guide (EPG) structured query language (SQL) database)(col. 5, l. 6-11 & col. 14, l. 35-40);

- a system for viewing, comprising:
 - o means of communicating the video programming and attachment points to the advanced set top box (network 32)(col. 4, l. 43-61 & Fig. 2); and
 - o an advanced set top box (set-top box (STB) 26) communicatively linked to the trigger database (col. 5, l. 12-16), comprising:
 - means of receiving the video programming and attachment points (col. 4, l. 25-26; col. 8, l. 64-67; & col. 9, l. 1-5);
 - means of generating a television-viewable signal based upon video programming and attachment points (Figs. 8a);
 - means of receiving viewer requests based upon the television-viewable signals (col. 9, l. 54-56); and
 - means of transmitting the viewer requests to an enhancement server (col. 9, l. 56-59);
- a system for production, comprising:
 - o a content database (enhanced content server 52) containing magazine content associated with triggers contained in the trigger database (col. 11, l. 25-44);
 - o means of communicating with the trigger database (the examiner notes that it is inherent for the content storage to be in communication with the target

resource storage in order adequately present the created HTML document to the user); and

- the enhancement server for:
 - receiving communicated requests of the viewer, translating communicated requests of the viewer based upon the associations stored in the trigger database, and retrieving content according to the triggers associated with the viewer request (col. 9, l. 54-59 & Figs. 8a-8c).

Shoff et al. does not disclose compiling retrieved content sets into e-magazines and e-mailing the compiled e-magazines to a viewer. Sgaraglino discloses a method for conveying an advertisement to a user in a television environment (p. 3, paragraph 38) and determining whether the user has clicked the ad. If the user clicks the ad, the user's e-mail address is retrieved, the ad follow-up material is collected, and the follow-up material is e-mailed to the user's e-mail address (p. 2, paragraph 33; p. 3, paragraph 41; & p. 4, paragraph 50). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the supplemental content retrieval of Shoff et al. to include collecting follow-up material and e-mailing the follow-up material to the user's e-mail address, such as that taught by Sgaraglino in order to provide a more user-friendly interface for retrieving content.

Referring to claim 8, the combination of Shoff et al. and Sgaraglino teaches the method of claim 1, wherein the viewer activation is accomplished using any one of a mobile phone, a mobile computing device, and a personal computer (Sgaraglino p. 3, paragraph 44 & p. 5, paragraph 69).

NOTE: The USPTO considers the applicant's "any of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

3. Claims **2-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Sgaraglino and further in view of Reichardt et al.

Referring to claims **2-4**, the combination of Shoff et al. and Sgaraglino teaches the method of claim 1. Shoff et al. further discloses allowing a user to access related TV shows/movies, encyclopedia information, games, or merchandise through the use of soft buttons (col. 11, l. 3-11, 25-44). The combination of Shoff et al. and Sgaraglino does not teach that the button faces comprise logos of potential advertisers, graphics depicting categories of queries, or masks with both logos of potential advertisers and categories of queries. Reichardt et al. discloses using Hypertext Markup Language (HTML) documents to coordinate television programming with interactive content (p. 10, paragraph 100). Reichardt et al. further discloses integrating logos 112, 114 and category titles 102 into the interactive content (Fig. 5). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Shoff et al. and Sgaraglino to include logos and category titles, such as that taught by Reichardt et al. in order to provide a more user-friendly interface.

Referring to claim **5**, the combination of Shoff et al., Sgaraglino, and Reichardt et al. teaches the method of claim 4, wherein the masks are interactive menus (Shoff et al. col. 11, l. 4-11, 25-44 & Figs. 8b, 8c).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weinstein et al. discloses combining television broadcast and personalized/interactive information.

Collins-Rector et al. discloses targeting advertising using web pages with video.

Kitsukawa et al. discloses a method and apparatus for providing on-demand electronic advertising.

Miyasaka et al. discloses providing a network-based personalized newspaper with personalized content and layout.

Voytick et al. discloses an integrated television and Internet information system.

Yagawa et al. discloses a method and apparatus for displaying an image and data related to the image conditioned on a user identifier.

Tomsen et al. discloses a system and method for unprompted, context-sensitive querying during a television broadcast.

Chen et al. discloses a method and apparatus for integrating hyperlinks in video.

Ullman et al. discloses an enhanced video programming system and method for incorporating and displaying retrieved integrated Internet information segments.

Blacketter et al. discloses using a broadcast enhancement trigger addressed to multiple uniquely addressed information resources.

Burke discloses a system for processing and storing Internet bookmark address links.

Reilly et al. discloses an information and advertising distribution system and method.

Kaiser et al. discloses a method, system, and apparatus for providing action selections to an image referencing a product in a video production.

Stettner discloses a system and method for interactive advertising.

Zustak et al. discloses a quote and information system using a set-top box.

Escobar et al. discloses authoring tools for multimedia application development and network delivery.

Allibhoy et al. discloses a method and system for controlling and auditing content/service systems.

Jeannin et al. discloses embedding re-usable object-based product information in audiovisual programs for non-intrusive, viewer driven usage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Van Handel
Examiner
Art Unit 2623

MVH

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', written over a horizontal line.

VIVEK SRIVASTAVA
PRIMARY EXAMINER